

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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R.C. and M.B., on behalf of their minor child, N.C.,

Plaintiffs,

against

BOARD OF EDUCATION OF THE HYDE  
PARK CENTRAL SCHOOL DISTRICT,

Defendant.

-----X

STATE OF NEW YORK     )  
                                  ) ss:  
COUNTY OF DUTCHESS    )

AFFIDAVIT IN SUPPORT OF  
CROSS-MOTION FOR  
SUMMARY JUDGMENT

07 CIV 2806 (MDF)

ECF Case

DANIEL PETIGROW, being duly sworn, deposes and says:

1. I am a member of the firm Donoghue, Thomas, Auslander & Drohan, LLP, attorneys for the defendant. I make this affidavit in support of Defendants' Cross-Motion for Summary Judgment Pursuant to Rule 56.1 seeking dismissal of the Complaint.

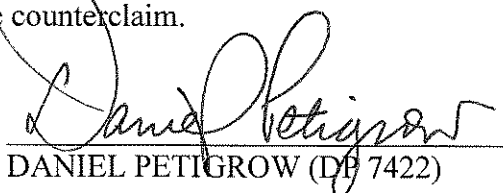
2. Submitted in support of the Defendant's Motion are its Statement of Material Facts not in Dispute pursuant to Local Rule 56.1 and its Memorandum of Law detailing the legal argument in support of the application for dismissal.

3. Also submitted on the motion are the following Defendant's exhibits:

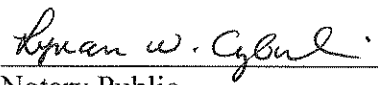
- "A" Complaint**
- "B" Answer & Counterclaim**
- "C" Answer to Counterclaim**
- "D" Decision of Impartial Hearing Officer, dated September 26, 2006**
- "E" Decision of State Review Officer, dated December 22, 2006**
- "F" Letter from Office of State Review to the Court dated July 11, 2007, indicating transmittal of the Administrative Record in this matter.**

4. Our understanding is that the entire Administrative Record has, therefore, been transmitted to the Court in this appeal under the IDEA. If, for any reason, the Court is unable to locate any part of the record referenced in our moving papers, we will provide a copy to the Court immediately upon being apprised of this.

5. In accordance with the arguments set forth in the annexed Memorandum of Law, it is respectfully requested that summary judgment be granted to defendant, dismissing the Complaint in all respects and awarding judgment on the counterclaim.

  
DANIEL PETIGROW (DP 7422)

Sworn to before me this  
3<sup>rd</sup> day of August, 2007

  
Notary Public

LYNNANN W. CYBULSKI  
Notary Public, State of New York  
Qualified in Orange County  
No. 4975852  
Commission Expires December 26, 2010